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vehicle replacement policy.

MR. LANE: I don't have any other questions.

FURTHER EXAMINATION BY

MR. BRENER:

Q You indicated before that you were involved in the Freire transaction; correct?

A Freire.

Q Boris Freire?

A Mr. Boris, yes.

Q Were you also involved in the Ms. Dong transaction as well?

A Yes.

Q Was there anybody else at the dealership who was involved in those transactions, either with Mr. Boris or Dong?

A Nada, myself and the sales reps.

Q How was Nada involved?

A Nada's with me on the left-hand side of every signing of any customer that has signed; any customer.

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Q As you testified before, in that you had eyes watching you and you had --

A Nada on my left-hand side.

Q So the Freire transaction, Boris Freire, and the Dong transaction were no different; Nada and the dealership were involved in the transaction, were aware of the terms and conditions and approved it?

A Without a shadow of a doubt. Hypothetically speaking, I could have closed my mother, brought my mother to sign and brought a car there, and she would still be there.

And every single transaction that was done with any client, Nada was on the left-hand side of me signing. And Toby and her were texting back and forth as to what was happening if Toby was not around, if he was not monitoring it through his camera or through his phone or whatever the case may be.

Q Nada or someone else at the

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dealership, did they ever communicate with Ms. Dong?

A Yes, numerous times. When it was time to receipt the money, she came in. When she came back to -- when she came back because she had issues in the car, she had to deal with Nada numerous times. She dealt with me one time: When it was time to sign.

Q And every other time she came back to the dealership, she spoke to somebody else?

A To the manager, which would address it to Nada, or the sales rep that would address it to Nada.

Q And your involvement was simply signing the documents?

A Signing.

FURTHER EXAMINATION BY

MR. GROSSMAN:

Q Sir, in your experience with working for these dealerships, did any bank approve all applications for financing that you presented to them?

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A Did any bank approve -- like if I send in a hundred applications, they approved a hundred?

Q Yes.

A Impossible, no, sir. To answer your question, no.

Q Did Santander bank decline any applications that you submitted to them?

A Numerous times.

Q Did M&T ever decline applications numerous times?

A Numerous times.

Q Capital One Auto Finance?

A Numerous times.

Q To the best of your recollection, was either the Tuhin, Gabrys or Chowdhury loans marked up?

A Were the rates marked up?

Q Yes.

A To my recollection, I am almost 99.99 percent sure they were because every single deal, if I have room to mark up the rate, I would mark it up.

JULIO ESTRADA

Q And the markup was always within the legal standards?

A Always within the legal standard in order to obtain funding because if not, they would kick back the deal and not fund the deal. And the car would be on the road.

Q Did Mr. Gabrys or Ms. Chowdhury ever contact the dealership directly and ask that their loan be bought back by the dealership?

A No.

Q To the best of your knowledge, did M&T Bank or any of their representatives ever contact the dealership, saying that the Gabrys or Chowdhury loan should be bought back?

A The only customer that I know they contact the bank in respect to those that you mentioned was Simon. He only came and spoke to me one time and the Chowdhury, which is the mother and the son, spoke to me and Nada.

Q You had mentioned on a

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question from Santander, you said M&T didn't do the same type of discussions with the clients before they funded the loans. But you don't know what the M&T's criteria was for providing loans, do you?

A No. I was speaking in respect to -- to subprime lending 'cause Santander is a full spectrum bank. They do prime and subprime, which subprime -- to explain what subprime means: It's a high-risk lending institution, that they take higher risks with that client, with that clientele, that type of clientele.

Q Would Santander's extra conversations be only with subprimes?

A Only subprimes, of course. Anything prime is prime. There isn't anything to talk about. You're going to get within 15 days, whether you're on prime loans with M&T, Capital One, Santander, you're going to get a booklet in the mail within 15 days of probably taking your car. You first get a welcoming letter, then you get a booklet,

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a payment booklet, and your payment is not due to 45 days from today, from that day.

Q So M&T's review of the Dealertrack and the other documents, with respect to prime loans, were similar to the same type of scrutiny of the other banks, including Santander and Capital One Auto Finance, which is talking about the subprime?

A Yes, sir. They follow standard procedure. All -- every banking institution that's primary does it the same way.

MR. GROSSMAN: Nothing further.

FURTHER EXAMINATION BY

MR. LANE:

Q Let me just go back to Exhibit 20.

Mr. Estrada, you had just testified to Mr. Grossman's question that if you had room to mark up an interest rate, you would do so?

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A If it's within the guidelines of the bank and approved by the client, the customer, of course. I'm making the dealership -- excuse me. I'm making the dealership extra money, which I'm not going to see a dollar out of, because I work for the pharaoh.

Q Did you know if the banks were aware that the dealership was requiring customers to sign documents like Exhibit 20?

A No. This has nothing to do about the bank as it states here. This is not in regard to the banks. This is Planet Motor Cars on Exhibit 20, basically stating, this, you and I, Mr. Customer have a separate agreement that has nothing to do, nor does have any bearing with the banking institution.

Q Did you use documents like Exhibit 20 at other dealerships?

A I was the one that brought this into this company, into Planet Motors and into New York Motor Group.

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These documents were created by Kinney Galani.

Q So you first learned to use a document like Exhibit 20 when you worked for Kinney Galani?

A I learned and was taught if they didn't sign those documents, we were not -- Kinney taught me that -- Kinney was the one that taught me that no matter what -- even if the dealer is making a million dollars, I don't want to get paid the million dollars if the documents are not strong and the documents are not signed by the customers and they're not getting full disclosure. He told me you could make me a million dollars on each deal. I do not want that money if the customers aren't getting full disclosure.

And he also told me: Don't ever forget the power of the ink; get you in a lot of trouble if you don't practice it the right way.

Q I just want to make sure I understand.

JULIO ESTRADA

You were first introduced to a document like Exhibit 20 while working at KG Suzuki?

A This was created by Kinney, were brought to me -- when Kinney created them, it's a whole package. It's called customer package. The package for the customers were created by Kinney. I brought them to Auto Palace.

And from there, I took them to New York Motor Group and any other dealership that I may have worked with, after working with Kinney.

Q What were some other topics in the customer package that you used?

A I don't have them with me.

Q You know their --

A What they call it, the one that I'm telling you, it's called the rider form. There's another form, the Lemon Law form, which states that your car -- that you got a copy of your Carfax, the wheel, stating that the dealership doesn't owe you anything, nor

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have they made any promise to you; the Lemon Law, which tells you how long is it that you have, the rights to exercise your Lemon Law rights in the State of New York; the rider form, indicating that none of the additional fees are required by the banking institutions in order for you to obtain financing. Those are the forms.

Q And again, you were introduced to the agreement represented in Exhibit 20, working at KG Suzuki?

A Yes.

Q And you took that document and other documents that were part of the customer package and reused them when you were at Auto Palace?

A Yes.

Q And at New York Motor Group?

A Any dealership that I worked at after KG Suzuki, I used. Or we changed the dealership on the top.

FURTHER EXAMINATION BY

MR. GROSSMAN:

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Q Did Mr. Eltouby know about No. 20, that document? Did Ms. Eltouby ever see that document?

A Yes, sir.

Q Before you left New York Motor Group, with respect to Mr. Gabrys, Mr. Tuhin or Ms. Chowdhury, did you take any of the dealership files with you?

A If I took any files, absolutely not.

MR. GROSSMAN: Thank you.

MR. SIMON: I just want to avoid any misunderstanding because my understanding is that KG Suzuki was doing business as Planet Motor Cars.

MR. LANE: I'm objecting to all of this.

MR. SIMON: Seriously?

MR. LANE: Seriously. You are not going to testify about KG Suzuki right now at all.

MR. SIMON: Planet Motor Cars --

MR. LANE: You are so not

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going to testify, anything about KG Suzuki right now.

MR. SIMON: Can I just say --

MR. LANE: You are not a witness. And you cannot testify about KG Suzuki during this deposition.

(Continued on the following page.)

MR. SIMON: I'm not saying a word. Thank you very much, Peter. Thanks for treating me with a modicum of respect that a lawyer may deserve in this United States of America.

MR. LANE: You're welcome, Richard.

MR. SIMON: Are we off the record?

MR. LANE: We're not off the record. We are on the record.

Does anybody have any other questions? I'm done.

MR. GROSSMAN: I am done.

MS. LINDERMAYER: I'm done.

MR. SIMON: Thanks, Peter.

(Time noted: 6:21 p.m.)

____
JULIO ESTRADA

Subscribed and sworn to

before me on this _______day

of ________________________, 2015.

____
NOTARY PUBLIC

I N D E X

E X A M I N A T I O N

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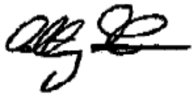
*Exhibits retained by counsel

C E R T I F I C A T I O N

I, ANTHONY GIARRO, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, JULIO ESTRADA, was duly sworn on the date indicated, and that the foregoing, to the best of my ability, is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.



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ANTHONY GIARRO

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NAME OF CASE: Anwar Alkhatib, et al. versus New York Motor Group LLC, et al.

DATE OF DEPOSITION: March 30, 2015

NAME OF DEPONENT: Julio Estrada

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JULIO ESTRADA

SUBSCRIBED AND SWORN TO BEFORE ME

THIS ____ DAY OF ____________, 20__.

_____________________ _____________________

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